

9.5.2 LATE ITEM: Proposed Amendment to “Policy No. 4.2.3 – Council Meetings and Forums – Format, Procedures and Maximum Duration” – Recognition of Council Briefings

| | | | |
|-----------------------------|--|------------------|-------------------|
| Ward: | - | Date: | 20 January 2015 |
| Precinct: | - | File Ref: | ADM0016 & ADM0066 |
| Attachments: | 001 – Council Meetings and Forums – Format, Procedures And Maximum Duration Policy No. 4.2.3 | | |
| Tabled Items: | - | | |
| Reporting Officer: | L Kosova, Chief Executive Officer | | |
| Responsible Officer: | L Kosova, Chief Executive Officer | | |

OFFICER RECOMMENDATION:

That Council:

1. **ENDORSES** the Council Briefing guidelines outlined in the ‘Details’ section of this report to apply to City of Vincent Council Briefings;
2. **BY ABSOLUTE MAJORITY DELEGATES AUTHORITY** to the Chief Executive Officer to amend “Policy No. 4.2.3 – Council Meetings and Forums – Format, Procedures and Maximum Duration” to incorporate the guidelines relating to Council Briefings, as outlined in the ‘Details’ section of this report, including for those provisions to supersede any contradicting or competing provisions of the current Policy; and
3. **DETERMINES** that it is not necessary to carry out public consultation on amending Policy No. 4.2.3 to include the Council Briefing guidelines endorsed in accordance with 1 above, as the proposed changes are not considered to be significant enough to warrant public consultation in accordance with Appendix 2 of Policy No. 4.1.5, given the changes relate exclusively to the City’s administrative process and principles for running Council Briefings and would actually increase public visibility of discussion on items being presented to Council and would increase opportunities for Elected Members and members of the public to ask questions on items intended to be presented to Council for determination.

PURPOSE OF REPORT:

To consider amending Policy No. 4.2.3 – “Council Meetings and Forums – Format, Procedures and Maximum Duration” to incorporate guidelines relating to Council Briefings, now that Council has shifted to a monthly meeting cycle with Council Briefings to be held the week prior to each Council meeting.

BACKGROUND:

Council at its meeting on 4 November 2014 (Item 9.5.2) resolved to move to a monthly meeting cycle in 2015, comprising monthly Council Briefings, Council Meetings and Council Forums. Part of Council’s resolution required a report to be submitted to Council by January 2015 to amend Policy 4.2.3 to reflect the new meeting cycle and, specifically, to incorporate provisions relating to Council Briefings.

DETAILS:

The following guidelines are proposed to apply to the new monthly Council Briefing and Meeting cycle, in lieu of those outlined in the attached Policy No. 4.2.3. Where there is any conflict between the guidelines outlined below and those contained in the existing Policy, then the provisions below would prevail and would be written into the Policy in place of the existing provisions:

Council Briefing Principles:

Unless otherwise determined by Council, the Council Briefing will occur on the Tuesday of the week prior to the Ordinary Council Meeting, to provide Elected Members and the Public with the opportunity to ask questions and clarify issues relevant to the specific agenda items due to be presented to Council in the following week.

The briefing is not a decision-making forum and the Council has no power to make decisions at the Briefing.

In order to ensure full transparency, Council Briefings will be open to the public to observe the process and to ask Public Questions, similar to the Council Meeting process.

Where matters are of a confidential nature, they will be deferred to the conclusion of the Briefing and at that point, the Briefing will be closed to the public.

The reports provided to Council Briefings are the reports that the Administration intends to submit to Council formally in the subsequent week. While it is acknowledged that Elected Members may raise issues that have not been considered in the formulation of the report or its recommendation, and these may be addressed in the subsequent report to Council, Council Briefing sessions cannot be used as a forum for Elected Members to direct Officers to alter their opinions or recommendations. However, having regard to any questions or clarification sought by Elected Members, the Chief Executive Officer and Directors may choose to withdraw and not present certain items listed on the Council Briefing Agenda to the subsequent Council Meeting in the following week.

Process:

The Briefing Session will commence at 6.00 pm and will be chaired by the Mayor or in his/her absence the Deputy Mayor. In the absence of both, Councillors will elect a chairperson from amongst those present. In general, Standing Orders will apply, except that Members may speak more than once on any item. There is no moving or seconding items. Officers will address the members and the order of business will be as follows:-

Members of the public present may observe the process and will have an opportunity to ask Public Questions relating only to the business on the agenda. The agenda will take the form of:

- Attendance and Apologies
 - Declarations of Interest
 - Public Question Time
 - Reports for discussion
 - Tabled Items
 - Closure
-

Where an interest is declared in relation to an item on the Council Briefing Agenda, the same procedure which applies to Ordinary Council meetings will apply. All interests must be declared in accordance with the City's Code of Conduct. The Briefing will consider items on the agenda only and will proceed to deal with each item as it appears in the Agenda. The process will be for the Presiding Member to call each item number in sequence and invite questions or requests for clarification from Elected Members. Where there are no questions regarding the item, the briefing will proceed to the next item.

Notwithstanding the above, the Council Briefing process does not and is not intended to prevent an Elected Member from raising further questions or seeking further clarification after the Council Briefing and before or at the Council Meeting in the subsequent week.

Agenda Contents:

While every endeavour is made to ensure that all items to be presented to Council at the Ordinary Council Meeting are included in the Council Briefing papers, there may be occasions when, due to necessity, items will not be ready in time for the Council Briefing and will instead be included on the Agenda to go straight to the Council Meeting for decision.

There may also be occasions when items are tabled at the Council Briefing rather than the full report being provided in advance. In these instances, Administration will endeavour to include the item on the Council Briefing agenda as a late item, noting that a report will be tabled at the meeting.

Agenda Distribution:

The Council Briefing agenda will be distributed to Elected Members on the Wednesday prior to the Council Briefing session. Public copies of the Council Briefing Agenda will be made available at the Administration and Civic Centre, Library and on the City's website at the same time.

Deputations:

Unless otherwise determined by the Presiding Member, deputations will generally not be heard at Council Briefings and will instead be reserved for the Ordinary Council meeting, consistent with the City's Standing Orders Local Law.

Record of Briefing:

The formal record of the Council Briefing session will be limited to notes regarding any agreed action to be taken by Administration or Elected Members. No recommendations will be included and the notes will be retained for reference and are not distributed to Elected Members or the public.

Location:

The Council Briefing sessions will take place in the Council Chamber in the Civic Centre.

CONSULTATION/ADVERTISING:

Council's Community Consultation Policy No. 4.1.5 and related Guidelines and Procedures categorise the proposed change to Policy No. 4.2.3 as "Non-Statutory and General Consultation". The corresponding Appendix 2 of Policy No. 4.1.5 (Item No. 10) states that any New and Significant Amendments to Policies are to be subject to public consultation for a period of 21 days.

The proposed changes to Policy No. 4.2.3 are not considered to be "significant" enough to warrant public consultation, as they relate exclusively to the City's administrative process and principles for running Council Briefings and would actually increase (not diminish) public visibility of discussion on items being presented to Council and would increase opportunities for Elected Members and members of the public to ask questions on items before they are presented to Council for determination.

LEGAL/POLICY:

Policy No. 4.2.3 presently does not refer to the frequency of Council meetings or Forums, nor does it refer to or contemplate Council Briefings. As such, Council could move to four weekly meetings instead of fortnightly meetings and could also commence holding Council Briefings without the need to amend the Policy. Policy No. 4.2.3 would continue to apply to Council Meetings and Forums, regardless of their frequency or whether Council Briefings are also held. It is, nevertheless, appropriate to amend Policy No. 4.2.3 to include guidance for Council Briefings and also to improve the current drafting and construction of that policy.

RISK MANAGEMENT IMPLICATIONS:

Low: Many local government successfully operate Council Briefings and the proposed approach is modelled on the process that has been adopted elsewhere. The Council Briefing/Council Meeting structure and proposed changes to Policy No. 4.2.3 will further increase transparency in reporting to Council and will double the opportunities that members of the public have to raise questions on the items to be presented to Council. It is also expected that the Council Briefings will contribute to enhancing the quality and depth of reports to Council by identifying any gaps in Officer Reports or information to the Council Briefing.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan – Plan for the Future 2013-2017, Objective 4.1 – *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 – *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The guidelines proposed for Council Briefings have been modelled on those in place in other local governments which have been successfully operating a Council Briefing/Council Meeting system for several years now.

Policy No 4.2.3 has not yet been modified to incorporate the proposed guidelines (as outlined in the 'Details' section of this report) and as such it is recommended that Council delegate authority to the CEO to amend the Policy to incorporate those guidelines in place of any competing or conflicting provisions of the current Policy. This will enable the City to publicise the change to the Policy and to ensure that guidelines are in place for holding the first Council Briefing on 3 February 2015.
